

### **REMARKS**

In response to the Office Action mailed June 4, 2004, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. A drawing correction to Figure 4 is attached. Furthermore, new claims 29 and 30 have been added. As a result, claims 1-26, 29, and 30 are pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

#### **Objections to Drawings**

The Examiner objected to the proposed drawing correction to Figure 4 filed on March 3, 2004. In particular, the Examiner asserted that it is not clear as to what item number 90 indicates. The Examiner also objected under 37 CFR § 1.84(n) to the proposed drawing correction to Figure 4 for failing to provide any cross-hatching to indicate the material of the reinforcement panel.

Regarding item number 90 in Figure 4, the Applicant respectfully directs the Examiner's attention to the amendment filed on December 3, 2002. In that amendment, the paragraph beginning on page 5, line 20, was amended to set forth that item 90 is a reinforcement panel that is secured to vinyl siding. Therefore, the Applicant respectfully submits that this objection may be properly withdrawn.

In light of the other objection, the Applicant has submitted another proposed drawing correction for Figure 4. In particular, the Applicant has amended Figure 4 to

show cross-hatching for foam in an exemplary embodiment of the present invention. Accordingly, the Applicant respectfully submits that the objection may be withdrawn. Furthermore, it should be noted that it is not the Applicant's intent to limit the material of the reinforcement panel to being foam unless expressly stated otherwise. Claims 2 and 15 do not limit the reinforcement panel to any particular material. This is reinforced under the doctrine of claim differentiation by claims 3 and 16 which specify that the reinforcement panel is comprised of foam.

Rejection of Claims 1-26 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-26 under 35 U.S.C. § 103(a) as being obvious over Manning et al. The Applicant respectfully traverses the rejection. Manning et al. only fits the criteria for a prior art reference under 35 U.S.C. § 102(e). Accordingly, Manning et al. does not qualify as prior art under 35 U.S.C. § 103(c). In particular, the subject matter of Manning et al. and the presently claimed invention were owned by the same person and/or were subject to an obligation of assignment to the same person at the time the claimed invention was made. The assignment recorded at reel 011902/frame 0756 assigned the claimed invention to Crane Plastics Siding LLC, which also owned Manning et al. as shown on the face of the patent. Therefore, the Applicant respectfully submits that the rejection of claims 1-26 under 35 U.S.C. § 103(a) as being obvious over Manning et al. may be withdrawn.

Rejection of Claims 1, 4-14, and 17-26 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 4-14, and 17-26 under 35 U.S.C. § 103(a) as being unpatentable over Johnstone et al. in view of section 07460 of the Sweet Catalog. More particularly, the Examiner has asserted that the present specification does not disclose that a siding panel having the specific claimed dimensions provides an advantage, is used for a particular purpose, or solves a stated problem. The Examiner has further asserted that the specific dimensions of the claimed invention are merely an obvious matter of design choice to provide a siding panel with sufficient strength and rigidity to achieve desirable impact resistance to accommodate the user's preference and various building structure requirements. The Applicant respectfully traverses the rejection.

The background of the present specification discusses the problem of oil canning. The background also describes prior attempts to limit the effects of oil canning. Furthermore, the background describes that such design considerations limited and/or diminished the appearance of the vinyl siding. As a result, the prior art leaves a need for a product that provides the dual benefits of providing the appearance of straight face vinyl siding while significantly limiting the effect of oil canning. As shown by the example provided on page 9 of the specification, the claimed invention addresses this need.

The Applicant maintains that Johnstone et al. fails to teach or suggest the specific surface variances or radius curvatures of the claims of the present invention.

Although Johnstone et al. does not teach that its figures are drawn to scale, it must be noted that figure 2 of Johnstone et al. shows a surface variance significantly exceeding 1/16 inch, which does not teach or even suggest the claimed dimensions of the present invention. Furthermore, Johnstone et al. does not teach or suggest that the curved walls have any effect or benefit, and Johnstone et al. does not teach or suggest that any benefits can be achieved by reducing the surface variance below 1/16 inch to match the claimed dimensions of the present invention. The Sweet Catalog fails to overcome the shortcomings of Johnstone et al. The combination of Johnstone et al. and the Sweet Catalog does not teach or suggest a product that provides the dual benefits of providing the appearance of straight face vinyl siding while significantly limiting the effect of oil canning. As has been previously stated, the industry previously resorted to significant curvature of the rows of vinyl siding (such as shown by Johnstone et al.) to combat the problem of oil canning. However, the siding did not have a straight face appearance. Until the present invention, the industry had not discovered that a slight curvature as set forth in the claims significantly reduces oil canning and provides the appearance of straight face vinyl siding. Thus, there is no motivation provided by the combination of Johnstone et al. and the Sweet Catalog to arrive at the present invention. Therefore, the Applicant respectfully submits that Johnstone et al. in view of the Sweet Catalog cannot support the rejection of claims 1, 4-14, and 17-26 under 35 U.S.C. § 103(a).

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### New Claims

The Applicant has added new claims 29 and 30. The Applicant respectfully submits that the cited references fail to teach or suggest a siding panel having a planar portion of the claimed width and surface variance and/or radius curvature. In light of previously canceled claims, the Applicant respectfully submits that no fee is due for the two new claims.

### Conclusion

The Applicant has distinguished claims 1-26, 29, and 30 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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### **AMENDMENTS TO THE DRAWINGS**

The attached drawing sheet includes changes to Figure 4. This sheet is labeled "Replacement Sheet" and replaces the proposed correction to Figure 4 filed on March 3, 2004.